

IDAHO BOARD OF MORTICIANS
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 7/18/2018

BOARD MEMBERS PRESENT: Craig L Geary – Chair
Steve Gordon
James R. Sommer

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Deputy Bureau Chief
Julie Eavenson, Administrative Support Manager
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, General Counsel
Eric Nelson, Board Prosecutor
John Kersey, Chief Investigator
Cesley Metcalfe, Technical Records Specialist II
Dicsie Gullick, Management Assistant

OTHERS PRESENT: John Van Manen, Licensed Mortician

The meeting was called to order at 9:00 AM MDT by Craig L Geary.

APPROVAL OF MINUTES

Mr. Gordon made a motion to approve the minutes of May 23, 2018. It was seconded by Mr. Sommer. Motion carried.

LEGISLATIVE REPORT

Ms. Cory gave the legislative report. The deadline to submit legislative ideas to the Governor's Office was July 13, 2018 and the deadline to submit proposed law and rule changes to the Governor's Office is August 17, 2018 for the 2019 Legislative Session.

INTERIM COMMITTEE: OCCUPATIONAL LICENSING & CERTIFICATION LAWS COMMITTEE

Ms. Cory said that the Executive Order report was submitted to the Governor and Lt. Governor prior to July 1 and it has been linked on the Board's main webpage. Ms. Cory updated the Board on the legislative interim committee on occupational licensing and certification laws. The Occupational Licensing & Certification Laws Committee met on June 22. Ms. Cory was invited to present on the process and executive order reports for the Boards served by the Bureau. It also heard from Greg Wilson, chief of staff to Lieutenant Governor Little; Albert Downs, policy specialist for

the National Conference of State Legislatures; and Patrick Grace, regional manager for the Division of Building Safety.

In her presentation before the Committee, Ms. Cory noted that 29 of the 30 Boards served by the Bureau had submitted their reports. She let the Board know that all of the reports were submitted before the July 1 deadline and each Board's report has been posted to its website.

Comments by the Committee included that its efforts appeared to be on a parallel track with those of the executive order, and committee members outlined a framework where each of them would take a few reports to review with members of the Boards who wrote them. The co-chairs encouraged legislators on the committee to volunteer to review reports where they felt like they had a connection to the occupation or had constituents who serve on the Board.

The Committee set its next meeting for Tuesday, August 7.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$47,491.34 as of June 30, 2018.

FISCAL YEAR 2019 CONTRACT RENEWAL

Ms. Hall presented the fiscal year 2019 contract renewal to the Board. Mr. Sommer made a motion to approve the renewal and allow the Board Chair to sign. It was seconded by Mr. Gordon. Motion carried.

DISCIPLINE

Mr. Nelson presented a memorandum regarding case numbers MOR-2018-1, MOR-2018-2, MOR-2018-3, and MOR-2018-4. After discussion, the Board gave recommendations for appropriate discipline.

INVESTIGATIVE REPORT

Ms. Peel gave the investigative report, which is linked above.

Ms. Peel explained the voluntary surrender process to members of the Board.

Ms. Peel discussed the collections process with members of the Board.

OPEN MEETING LAW

Mr. Ellsworth reviewed HB611 that made changes to the open meeting law regarding meeting notices and agendas. Changes effective July 1, 2018 included: notices and

agendas must be posted online if the agency has an online presence; identification of all “action Items” must be noted on the agenda; and final action may not be taken on an agenda item added after the start of the meeting unless an emergency is declared.

OLD BUSINESS

The Board reviewed the To Do List and no action was taken.

NEW BUSINESS

NEXT MEETING was scheduled for January 15, 2019 and 9:00 AM MDT.

PUBLIC COMMENT

Mr. Van Manen talked to the Board regarding the removal of deceased persons conducted in Oregon. The State of Oregon has stated that Idaho Funeral Establishments cannot remove deceased bodies from Oregon without a change in Idaho’s statute. The Board suggested that Mr. Van Manen contact the association regarding this issue.

INTRODUCTION OF SECURE WEB

Ms. Gullick gave a demonstration of the secure web to the Board. The Board agreed to begin using the secure web for its next Board meeting.

DISCUSSION REGARDING INACTIVE LICENSEES AND CERTIFICATES OF AUTHORITY

The Board discussed what happens to the Certificate of Authority of a licensee who has an inactive mortician or funeral director license. Under the law, a licensee whose license is inactive cannot renew their Certificate of Authority and must reinstate it if they ever reactivate their mortician or funeral director license. Mr. Gordon made a motion to allow the Board Chair to work with Roger to draft a rule change to allow Certificates of Authority to go inactive. It was seconded by Mr. Sommer. Motion carried.

DISCUSSION REGARDING INSPECTIONS

Mr. Gordon asked who wrote the crematory inspection form and inquired if it was the inspectors or the Board. Ms. Peel stated that the Board last updated the form in 2016, but it is written and approved by the Board. The Board decided to keep the inspection form as written and agreed to help train inspectors regarding inspections of crematories.

Mr. Sommer asked what happens to metal objects, such as joint replacements, after a body is cremated? Mr. Gordon stated that generally, the crematory would donate the parts to a recycle company.

DISCUSSION REGARDING EDUCATION REQUIREMENTS

The Board reviewed the education requirements from surrounding states and how it impacts potential endorsement applicants. The Board then discussed making changes to the law regarding endorsement and asked the Bureau to add it to the To Do List.

DISCUSSION REGARDING CONTINUING EDUCATION REQUIREMENT

The Board discussed the continuing education requirement and directed the Bureau to draft an FAQ explaining the interactive hours.

EXECUTIVE SESSION

Mr. Sommer made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the executive session was to consider license application materials. It was seconded by Mr. Gordon. The vote was: Mr. Sommer, aye; Mr. Gordon, aye; and Mr. Geary, aye. Motion carried.

Mr. Sommer made a motion to come out of executive session. It was seconded by Mr. Gordon. The vote was: Mr. Sommer, aye; Mr. Gordon, aye; and Mr. Geary, aye. Motion carried.

CORRESPONDENCE

Mr. Sommer made a motion to allow a licensee to have CE credits waived in order to go inactive, pending receipt of a doctor's note. It was seconded by Mr. Gordon. Motion carried.

APPLICATIONS

Mr. Sommer made a motion to approve the following for exam:

MORA-1521

It was seconded by Mr. Gordon. Motion carried.

ADJOURNMENT

Mr. Sommer made a motion to adjourn the meeting at 12:53 PM MDT. It was seconded by Mr. Gordon. Motion carried.

Craig L Geary, Chair

Steven Gordon

James R. Sommer

Tana Cory, Bureau Chief